AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A positive active material for a secondary battery comprising β-FeOOH that contains at least one element selected from the group consisting of ~~B,~~ P, S, Li, Na, K, ~~Mg, Al, Ca,~~ Sc, Ti, V, Cr, Mn, ~~Co, Ni, Cu, Zn,~~ Zr, Pb and Sn and that shows a diffraction peak of (110) plane of which half width is greater than 0.3° (2θ) when subjected to X-ray diffractometry with the CuKα ray, wherein ~~said~~ the contained Li is ~~not~~ the element obtained by a method to insert lithium in the active material by a chemical method ~~intercalated by the electrochemical discharge reaction in the electrolyte~~.

2. (currently amended): A process for the preparation of a positive active material for a secondary battery according to Claim 1 which comprises a step of hydrolyzing an aqueous solution, in which an iron salt and a salt containing at least one element selected from the group consisting of ~~B,~~ P, S, Li, Na, K, ~~Mg, Al, Ca,~~ Sc, Ti, V, Cr, Mn, ~~Co, Ni, Cu, Zn,~~ Zr, Pb and Sn are dissolved, at a temperature of from 40°C to 100°C.

3. (original): A process for the preparation of a positive active material for a secondary battery according to Claim 2, wherein said iron salt is ferric chloride, said vanadium salt is $VOSO_4$, and said aqueous solution contains $FeCl_3$ and $VOSO_4$ together dissolved therein at a molar ratio satisfying $0 < (VOSO_4/FeCl_3) < 0.1$.

4. (currently amended): A positive active material for a secondary battery comprising β-FeOOH according to claim 1 that has particles with an aspect ratio of not greater than 5 ~~and that shows a diffraction peak of (110) plane of which half width is greater than 0.3° (2θ) when subjected to X-ray diffractometry with the CuKα ray~~.

5. (currently amended): A positive active material for a secondary battery comprising β-FeOOH according to claim 1 that has particles with a mode diameter of not greater than 10 μm ~~and that shows a diffraction peak of (110) plane of which half width is greater than 0.3° (2θ) when subjected to X-ray diffractometry with the CuKα ray~~.

6. (canceled).

7. (currently amended): A positive active material for a secondary battery according to Claim 4 or 5, wherein the amount of said at least one element selected from the group consisting of Li, Na, K, ~~Mg, Al, Ca,~~ Sc, Ti, V, Cr, Mn, ~~Co, Ni, Cu, Zn,~~ Zr, Pb and Sn is not smaller than 0.1 wt%.

8. (currently amended): A process for the preparation of a positive active material according to Claims 4 or 5, which comprises a step of hydrolyzing an aqueous solution, in which ferric chloride and a salt containing at least one element selected from the group consisting of Li, Na, K, ~~Mg, Al, Ca,~~ Sc, Ti, V, Cr, Mn, ~~Co, Ni, Cu, Zn,~~ Zr, Pb and Sn are dissolved, at a temperature of from 40°C to 100°C.

9. (previously presented): A non-aqueous electrolyte secondary battery comprising the following elements:

(1) a negative electrode comprising a negative active material capable of inserting and extracting lithium ion and/or metallic lithium;

(2) a positive electrode comprising a positive active material according to any one of Claims 1, 4, or 5; and

(3) an electrolyte in contact with said negative electrode and positive electrode.

10. (currently amended): A positive active material for a secondary battery according to claim 1, comprising β-FeOOH that contains at least one element selected from the group consisting of ~~B,~~ P, S, Li, Na, K, ~~Mg, Al, Ca,~~ Sc, Ti, V, Cr, Mn, ~~Co, Ni, Cu, Zn,~~ Zr, Pb, and Sn and that shows a diffraction peak of (110) plane of which half width is greater than 0.5° (2θ) when subjected to X-ray diffractometry with the CuKα ray.